

THE HON'BLE THE ACTING CHIEF JUSTICE SRI PINAKI
CHANDRA GHOSE

WRIT PETITION NO.25510 OF 2005

DATED:11.10.2012

Between:

Visakhapatnam Port and Dock Mazdoor Sangh
Affiliated to Bharatiya Mazdoor Sangh
Rep. by its General Secretary, M. Rama Mohan Rao
R/o.53-20-21/1, Chaitanyanagar
Visakhapatnam ... Petitioner

And

Government of India
Ministry of Shipping (Ports Wing)
Parivahan Bhavan, No.1
Parliament Street
New Delhi, rep. by its Secretary
and another ... Respondents

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ORDER:

This writ petition is filed to declare the action of the respondents in not considering the petitioner union at par with other Trade Unions, as illegal and arbitrary, and consequently to direct the respondents to recognize the petitioner union and permit it to participate in various committees along with other trade unions.

The case of the petitioner is that it is affiliated to Bharatiya Mazdoor Sangh and though it has sufficient members than other recognized unions, it is not recognized by the respondent – Port Trust Management. Hence, the writ petition.

Learned counsel for the petitioner contended that in similar writ petition No.7297 of 1995, this Court on 26.12.1996 passed an interim order directing the Visakhapatnam Port Trust authorities to afford an opportunity to the petitioner union therein to represent its own members and discuss their grievances along with other unions in the negotiations that may be conducted by the respondent – Management. Even though such an order was passed by this Court, no steps have been taken by the respondent – Port Trust management to allow the petitioner union to participate in the negotiations.

It appears that though the petitioner union statedly has sufficient members it was not recognized by the respondent – Port Trust Management and the petitioner union was not permitted to participate in various committees along with other trade unions.

In the circumstances, I only direct the respondent – Port Trust

Management authorities to consider the representation of the petitioner union at the time of discussions or negotiations with other unions. I further make it clear that the respondent authorities shall be at liberty to find out the strength of the petitioner union also and take steps accordingly.

With the above directions the writ petition is disposed of. No costs.

PINAKI CHANDRA GHOSE, ACJ

11.10.2012

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